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SOURCE: 53 FR 23500, June 22, 1988, unless otherwise noted.

#### Subpart A—General

##### § 7.1 Purpose and scope.

This part sets out requirements for MSHA approval of certain equipment and materials for use in underground mines whose product testing and evaluation does not involve subjective analysis. These requirements apply to products listed in the subparts following this Subpart A. After the dates specified in the following subparts, requests for approval of products shall be made in accordance with this Subpart A and the applicable subpart.

##### § 7.2 Definitions.

The following definitions apply in this part.

*Applicant.* An individual or organization that manufactures or controls the assembly of a product and that applies to MSHA for approval of that product.

*Approval.* A document issued by MSHA which states that a product has met the requirements of this part and which authorizes an approval marking identifying the product as approved.

*Authorized company official.* An individual designated by applicant who has the authority to bind the company.

*Critical characteristic.* A feature of a product that, if not manufactured as approved, could have a direct adverse effect on safety and for which testing or inspection is required prior to shipment to ensure conformity with the technical requirements under which the approval was issued.

*Equivalent non-MSHA product safety standards.* A non-MSHA product safety standard, or group of standards, that is determined by MSHA to provide at least the same degree of protection as the applicable MSHA product technical requirements in the subparts of this part, or can be modified to provide at least the same degree of protection as those MSHA requirements.

*Extension of approval.* A document issued by MSHA which states that the change to a product previously approved by MSHA under this part meets the requirements of this part and which authorizes the continued use of the approval marking after the appropriate extension number has been added.

*Post-approval product audit.* Examination, testing, or both, by MSHA of approved products selected by MSHA to determine whether those products meet the applicable technical requirements and have been manufactured as approved.

*Technical requirements.* The design and performance requirements for a product, as specified in a subpart of this part.

*Test procedures.* The methods specified in a subpart of this part used to determine whether a product meet the

performance portion of the technical requirements.

[53 FR 23500, June 22, 1988; 53 FR 25569, July 7, 1988, as amended at 68 FR 36418, June 17, 2003]

### § 7.3 Application procedures and requirements.

(a) *Application.* Requests for an approval or extension of approval shall be sent to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, RR #1, Box 251, Industrial Park Road, Triadelphia, West Virginia 26059.

(b) *Fees.* Fees calculated in accordance with part 5 of this title shall be submitted in accordance with § 5.40.

(c) *Original approval.* Each application for approval of a product shall include—

- (1) A brief description of the product;
- (2) The documentation specified in the appropriate subpart of this part;
- (3) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application;
- (4) If appropriate, a statement indicating whether, in the applicant's opinion, testing is required. If testing is not proposed, the applicant shall explain the reasons for not testing; and
- (5) If appropriate, the place and date for product testing.

(d) *Subsequent approval of a similar product.* Each application for a product similar to one for which the applicant already holds an approval shall include—

- (1) The approval number for the product which most closely resembles the new one;
  - (2) The information specified in paragraph (c) of this section for the new product, except that any document which is the same as one listed by MSHA in prior approvals need not be submitted, but shall be noted in the application;
  - (3) An explanation of any change from the existing approval; and
  - (4) A statement as to whether, in the applicant's opinion, the change requires product testing. If testing is not proposed, the applicant shall explain the reasons for not testing.
- (e) *Extension of an approval.* Any change in the approved product from

the documentation on file at MSHA that affects the technical requirements of this part shall be submitted to MSHA for approval prior to implementing the change. Each application for an extension of approval shall include—

- (1) The MSHA-assigned approval number for the product for which the extension is sought;
- (2) A brief description of the proposed change to the previously approved product;
- (3) Drawings and specifications which show the change in detail;
- (4) A statement as to whether, in the applicant's opinion, the change requires product testing. If testing is not proposed, the applicant shall explain the reasons for not testing;
- (5) The place and date for product testing, if testing will be conducted; and
- (6) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(f) *Certification statement.* (1) Each application for original approval, subsequent approval, or extension of approval of a product shall include a certification by the applicant that the product meets the design portion of the technical requirements, as specified in the appropriate subpart, and that the applicant will perform the quality assurance functions specified in § 7.7. For a subsequent approval or extension of approval, the applicant shall also certify that the proposed change cited in the application is the only change that affects the technical requirements.

(2) After completion of the required product testing, the applicant shall certify that the product has been tested and meets the performance portion of the technical requirements, as specified in the appropriate subpart.

(3) All certification statements shall be signed by an authorized company official.

[53 FR 23500, June 22, 1988, as amended at 60 FR 33722, June 29, 1995]

### § 7.4 Product testing.

(a) All products submitted for approval under this part shall be tested using the test procedures specified in the appropriate subpart unless MSHA